

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 || THOMAS McGUIRE,

Petitioner,

3:05-cv-00636-LRH-RAM

10 | VS.

ORDER

11 | STATE OF NEVADA, *et al.*,

Respondents.

15 Thomas McGuire, a prisoner at Nevada's Lovelock Correctional Center, initiated this
16 habeas corpus action on November 21, 2005, by filing an Application to Proceed *in Forma Pauperis*
17 (docket #1). On January 18, 2006, that application was granted, and petitioner's habeas petition was
18 filed and served upon the respondents (docket #2, #3).

19 The Court found, however, that the habeas petition did not set forth a claim upon
20 which relief could be granted. The Court ordered, therefore, that respondents were not required to
21 respond to the petition. Petitioner was granted an opportunity to file an amended petition, to attempt
22 to cure the defects described in the Court's January 18, 2006 order.

Petitioner filed an amended petition for writ of habeas corpus (docket #5). In the amended petition, petitioner does not plead any claim upon which relief could possibly be granted. Essentially the amended petition is defective in the same manner as petitioner's original petition: it is unorganized and largely unintelligible, it does not state any claim with anywhere near enough

1 specificity to allow the respondents to respond, and it does not adequately plead exhaustion of
2 petitioner's state-court remedies. Therefore, under Rule 4 of the Rules Governing Section 2254
3 Cases in the United States District Courts, this action will be dismissed.

4 Moreover, the Court finds that petitioner does not make a "substantial showing of the
5 denial of a constitutional right," such that reasonable jurists might conceivably find the Court's
6 disposition of this case debatable. *See* 28 U.S.C. § 2253(c); *Miller-El v. Cockrell*, 537 U.S. 322, 338
7 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Therefore, the Court will deny petitioner a
8 certificate of appealability with respect to this order and the resulting judgment.

9 **IT IS THEREFORE ORDERED** that this action is **DISMISSED**.

10 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT**
11 **ACCORDINGLY**.

12 **IT IS FURTHER ORDERED** that petitioner is **DENIED** a certificate of
13 appealability with respect to this order and the resulting judgment.

14 Dated this 22nd day of February, 2008.



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18 LARRY R. HICKS
19 UNITED STATES DISTRICT JUDGE
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